

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

# February 13, 1998

DIVISION TWO

B100424 Bontempo (Not for Publication)

V.  
Cafe 60 North, et al.  
Colline & Aikman Group

The judgment is affirmed.

Boren, P.J.

We concur:   Fukuto, J.  
                      Nott, J.

B107525 Hedging Concepts, Inc. (Not for Publication)

V.  
First Alliance Mortgage Company

The judgment is affirmed.

Boren, P.J.

We concur:   Fukuto, J.  
                      Nott, J.

DIVISION TWO (Continued)

B109104      Mabie, et al.                              (Certified for Publication)  
                 v.  
                 Hyatt, et al.

The summary judgment is affirmed insofar as it concerned the claim for cancellation of the note and deed of trust. The summary judgment is reversed insofar as it concerned the claims for fraud, conspiracy, malice and punitive damages. The cost award against Mrs. Mabie and Dr. Mabie is reversed. Costs are awarded to Mrs. Mabie and Dr. Mabie on appeal. The matter is remanded for trial.

Zebrowski, J.

We concur:    Boren, P.J.  
                     Nott, J.

B112525      Thomas    (Not for Publication)  
                 v.  
                 Sandwick

The summary judgment is reversed. Costs on appeal to appellant.

Zebrowski, J.

We concur:    Fukuto, Acting P.J.  
                     Nott, J.

B111073      Weling    (Not for Publication)  
                 v.  
                 The Travelers Corporation, et al.

The part of the judgment appealed from (awarding long term disability benefits) is reversed. The matter is remanded for further proceedings not inconsistent with this opinion. Each side to bear their own costs on appeal.

Zebrowski, J.

We concur:    Boren, P.J.  
                     Fukuto, J.

## February 13, 1998-Continued

## DIVISION TWO (Continued)

B113344 People (Not for Publication)  
v.  
Pulido

### The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B113468      Greene, et al.      (Not for Publication)  
v.  
States Compensation Insurance Fund

The summary judgment is affirmed. Respondent SCIF to recover costs on appeal.

Zebrowski, J.

We concur:   Boren, P.J.  
                      Nott, J.

[illegible]

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

DIVISION FIVE

B109275      Barry Martin Schleider et al.                      (Not for Publication)  
                 v.  
                 Fred N. Hayes et al.

The appeals are dismissed as moot. The parties are to bear their own costs on appeal.

Grignon, J.

We concur:    Turner, P.J.  
                 Armstrong, J.

B110585      People    (Not for Publication)  
                 v.  
                 Albert Horne

The order granting presentence credits is reversed. On remand, the trial court is to conduct a hearing consistent with the views expressed in this opinion and determine the amount of presentence credits to which defendant is entitled, if any. In all other respects, the judgment is affirmed.

Turner, P.J.

We concur:    Armstrong, J.  
                 Godoy Perez, J.

B111130      Carmen Manegdeg                              (Not for Publication)  
                 v.  
                 Karen Sunde et al.

The judgment is affirmed. Respondents Karen Sunde-Cohen and Heston & Associates are awarded their costs on appeal.

Grignon, J.

We concur:    Turner, P.J.  
                 Armstrong, J.

## February 13, 1998-Continued

## DIVISION FIVE (Continued)

B110335      People      (Not for Publication)

V.

Noe Guerrera Rivera

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.

Godoy Perez, J.

B112394 People (Not for Publication)

V.

Stacey Shelton

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.

Armstrong, J.

B114665 People (Not for Publication)

V.

Gregory A. Deary

The judgment is affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.

Godoy Perez, J.

## DIVISION FIVE (Continued)

[illegible]

The order is affirmed.

Grignon, Acting P.J.

We concur:    Armstrong, J.  
                          Godoy Perez, J.

B114210      Kenneth N. Edwards, as Trustee etc.      (Certified for Publication)  
v.  
Edward D. Edwards, as Trustee, etc. et al.

The May 28, 1997, order, instructing the cotrustees that Probate Code section 15620 obligates them to exercise their voting rights by unanimous action only, is reversed. On remand, the trial court is directed to enter a new order instructing the cotrustees that Corporations Code section 704 controls their acts with respect to voting the shares of stock held in trust. Objectors, Edward D. Edwards, and James R. Edwards, are to recover their costs on appeal from petitioner, Kenneth N. Edwards.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B110714 James Gallagher et al.  
v.  
James Paul Valerio et al.

On this court's own motion, appeal is dismissed. (Notice of appeal filed March 13, 1997.)

DIVISION SIX

B111511      The Villas of Carpinteria Owner's Association      (Not for Publication)  
                 v.  
                 City of Carpinteria et al.

We uphold the order of the trial court. Costs are awarded to respondents.

Gilbert, J.

We concur:    Stone, P.J.  
                 Coffee, J.